

9th January, 1833.

FIRST SESSION FIRST COLONIAL PARLIAMENT, 3d WILLIAM IV.

For your own guidance it may be right to observe, that Colonial Assemblies, as they derive their general form from the model of the British House of Commons, so they have drawn their rules and system of procedure from the same source. The distinctions are of course both numerous and important, and grow out of the dissimilarity of the circumstances of the Representative Bodies of a small Colony, and of an extensive Kingdom. But in general the analogy is maintained, and therefore the Laws and Rules of Parliament, as modified by the exigencies of the case, may be taken as the safest guide for the conduct of the Council and Assembly and for your own proceedings towards them.

As soon as conveniently may be after your arrival in Newfoundland, you will convene the Council, according to your General Instructions, and arrange with them the whole course of proceeding to be adopted for giving effect to so much of those Instructions as relate to the convoking the Assembly. Especially you will consider the proper forms of the Writs to be addressed to the Returning Officers; the proper places for holding Elections; the most convenient times at which they can take place; the necessary arrangements for the reception and accommodation of the Legislative Body at the Town of St. John's; the most convenient method of opening the First Session of the General Assembly with appropriate and decorous solemnities, and, above all, the topics to which their attention should in the first instance be directed.

In conformity with the precedents in use on similar occasions, the draft of a Proclamation has been approved, declaratory of the future system of Government. This Proclamation you will cause to be circulated in the most public manner as soon as conveniently may be after your arrival.

It has, for the present, divided the Country into Electoral Districts, and has determined the number of Members who are to be returned for each. These, however, are topics on which it is very probable that the information I have been able to acquire in this Kingdom may be erroneous or defective. Any other division of the Country which may be more generally convenient, and any other arrangement of the number of Representatives for different Districts, which the Council and Assembly may deem more advantageous, will be the fit subject of Legislative enactment. No change in the Constitution of the House, or in the total number of Members, can however be effected except with His Majesty's previous approbation, and in the manner indicated in your General Instructions.

In accordance with the uniform course of precedents, your Commission constitutes a Council which will participate with the Assembly in the enactment of Laws. It is not, however, to be denied that this part of the established system of Colonial Legislation has been practically found to be attended with some serious difficulties.

The Members of Council deriving their authority from the Royal Commission, have not seldom been regarded with jealousy and distrust by the great body of the people. Their elevation in rank and authority has but too often failed to induce a corresponding degree of public respect. Even the most judicious exercise of their powers has occasionally worn the semblance of harshness when opposed to the unanimous or predominant opinions of those to whom the Colonists looked with confidence as their Representatives. The Councils, it must be confessed, have not uniformly exerted themselves to repel or to abate this prejudice.—The acrimony engendered by such disputes has sometimes given occasion to an eager assertion of extreme rights on the part of the Council, and to a no less determined denial of their necessary and constitutional privileges on the part of the Assembly. The Councils have also been employed as instruments for relieving Governors from the responsibility they ought to have borne for their rejection of measures which have been proposed by the other branch of the Legislature; and have not seldom involved them in dissensions which it would have been more judicious to decline.

Some of the principal Inhabitants of the Colony, as well as the Chief Officers of the local Government, being usually Members of the Council, are removed from the prospect of obtaining seats in the House of Assembly. Even in the Colonies in which there is a larger society, and a greater number of proper Persons to become Members of the Legislature than in New-